HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.14870 of 1998

Dated 21st day of February, 2007

Between:

Kandregula Varalakshmi ..
Petitioner

And

The Mandal Revenue Officer,
S.Kota Mandal, Vizianagaram District
and another ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the order dated 15.5.1998 passed by the 2nd respondent, as arbitrary and illegal and consequently direct the respondents not to evict the petitioner from the land of an extent of Ac.2.30 cents in S.No.76/1 situated in Kilthampalem village.

The brief facts of the case are that the mother of the petitioner purchased an extent of Ac.2.30 cents of dry land in S.No.76/1 situated in Kilthampalem village, S.Kota Mandal, Vizianagaram District under a registered sale deed. After her death, the petitioner has been in possession of it. Now, the petitioner's grievance is that the 1st respondent issued proceedings dated 2.4.1998 ordering resumption of the land to the alleged original assignee. When she preferred an appeal before the 2nd respondent along with an application for stay of eviction, the 2nd respondent, without hearing the petitioner, dismissed the application. Aggrieved by the same, the petitioner has filed this writ petition.

Heard the learned counsel for both the parties.

Admittedly, this Court, on 28.5.1998, while ordering Rule Nisi directed the respondents not to evict the petitioner from the land in question. Having regard to the fact that the appeal is pending before the appellate authority i.e. the 2nd respondent, this Court deems it appropriate to direct the 2nd respondent to decide the appeal as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order. It is needless to observe that

during the pendency of the appeal, the petitioner shall not be evicted from the land in question.

With the above direction, this writ petition is disposed of. No costs.

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21.02.2007

bcj